

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

STEVEN C. FERNANDES, JR.,)	
)	
Petitioner,)	
)	No. 05-3322-CV-S-DW-H
v.)	
)	
ROBERT McFADDEN, Warden,)	
)	
Respondent.)	

ORDER

Before the Court is Magistrate James C. England's Report and Recommendation (Do.c. 8) to deny Steven C. Fernandes, Jr.'s request to proceed in forma pauperis and to dismiss without prejudice Fernandes's petition for writ of habeas corpus. Fernandes filed exceptions to the Report and Recommendation. See Doc. 9. After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts the magistrate's findings of fact and conclusions of law. Accordingly, the Court hereby

ORDERS that the magistrate's Report and Recommendation (Doc. 8) is adopted in its entirety;

OVERRULES Fernandes's exceptions;

DENIES Fernandes's request to proceed in forma pauperis; and

DISMISSES WITHOUT PREJUDICE the petition for habeas relief (Doc. 1).

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: May 23, 2006